

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the application of Okab Fayad dba Superporter Express to transfer his PSC-11569 certificate to El Sayed Elhamaki and to establish a Zone of Rate Freedom.

Application 02-03-018  
(Filed March 14, 2002)

**O P I N I O N**

**Summary**

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Okab Fayad (Transferor), an individual, to El Sayed Elhamaki (Transferee), an individual, and for Transferee to establish a zone of rate freedom (ZORF) pursuant to Pub. Util. Code § 454.2.

**Discussion**

Transferor is authorized by Decision (D.) 99-06-041 to transport persons and their baggage on an on-call basis between points in San Francisco, Alameda, and Contra Costa Counties, on the one hand, and San Francisco (SFO) and Oakland (OAK) International Airports, on the other hand.

Transferor has agreed to sell his PSC certificate, goodwill, and trade name to Transferee for \$10,000. This application requests approval to transfer the certificate.

Transferee will adopt Transferor's tariff, filed with the Commission as Local Passenger Tariff No. 1, CA PUC 1. Transferee requests authority to

establish a ZORF of \$10 above and below any of the authorized fares of \$20 and under, and \$20 above and below the authorized fares above \$20, shown in Transferor's tariff. The minimum one-way adult fare is \$5. Applicant will compete with other PSCs, taxicabs, limousines, buses, and automobiles in his service area. This highly competitive environment should result in Applicant pricing his services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 14, 2002.

In Resolution ALJ 176-3084 dated March 21, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3084.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

**Findings of Fact**

1. Transferor is operating as a PSC pursuant to D.99-06-041.
2. Transferor requests approval to transfer his authority to Transferee.
3. Transferee also requests authority to establish a ZORF of \$10 above and below any of the authorized fares of \$20 and under, and \$20 above and below the authorized fares above \$20, published in Transferor's tariff on file with the Commission. The minimum one-way adult fare is \$5.

4. Transferee will compete with other PSCs, taxicabs, limousines, buses, and private automobiles in his service area. The establishment of the ZORF is fair and reasonable.

5. The proposed transfer will not be adverse to the public interest.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. The proposed transfer is in the public interest and should be authorized.

2. The request for a ZORF should be granted.

3. Before Transferee changes any fares under the ZORF authorized below, Transferee should give this Commission at least 10 days' notice. The tariff should show between each pair of service points the high and low ends of the ZORF and the then currently effective fare.

4. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

### **O R D E R**

#### **IT IS ORDERED** that:

1. Within 120 days from the effective date of this decision, Okab Fayad (Transferor), an individual, may transfer the operative rights specified in this

application to El Sayed Elhamaki (Transferee), an individual, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service within 120 days after this order is effective and adopt Transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Transferee is authorized under Pub. Util. Code § 454.2 to establish a ZORF of \$10 above and below any of the authorized fares of \$20 and under, and \$20 above and below the authorized fares above \$20, as shown in Transferor's Local Passenger Tariff No. 1, CA PUC 1, filed with the Commission. The minimum one-way adult fare is \$5.

4. Transferee shall file a ZORF tariff in accordance with the application on not less than 10 days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.

5. Transferee may make changes within the ZORF by filing amended tariffs on not less than 10 days' notice to the Commission and to the public. The tariff shall include between each pair of service points the authorized maximum and minimum fares and the fare to be charged.

6. In addition to posting and filing tariffs, Transferee shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that his evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

8. The Certificate of Public Convenience and Necessity (CPCN) granted to Transferor by Decision (D.) 99-06-041 is revoked on the date Transferee is notified that he may commence operations as provided in Ordering Paragraph 7.

9. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

10. The CPCN to operate as PSC-15325, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

11. The Application is granted as set forth above.

12. This proceeding is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.



CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-15325

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges  
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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.  
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Supersedes the authority heretofore granted to  
Okab Fayad, an individual, by D.99-06-041.

Issued under authority of Decision \_\_\_\_\_,  
dated \_\_\_\_\_, of the Public Utilities Commission  
of the State of California in Application 02-03-018.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authorities granted to Okab Fayad, an individual.

El Sayad Elhamaki, an individual, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section IIA, and the airports described in Section IIB, over and along the route described in Section III, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. Within the geographical limits of the Counties of San Francisco, Alameda, and Contra Costa.
- B. San Francisco International Airport.  
Oakland International Airport.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section IIA, then over the most convenient streets, expressways, and highways to any airport described in Section IIB.